

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,

Case No. 2:16-cr-00265-GMN-CWH

Plaintiff,

V.

ROBERT ALAN COLEMAN,

Defendant.

## ORDER

Presently before the court is defendant Robert Alan Coleman's ex parte motion for the appointment of counsel (ECF No. 688), filed on July 23, 2018. Coleman moves the court to appoint Thomas A. Ericsson, Esq., defense counsel's law partner, to assist in the defense of this case. The court declines to consider defendant's motion for second counsel on an ex parte basis.

The United States Constitution entitles criminal defendants to the assistance of counsel. *Inst. Amend. VI.* Accordingly, the Criminal Justice Act directs district courts to appoint counsel for criminal defendants “financially unable to obtain adequate representation.” 18 U.S.C. § 3005(a). While there is no constitutional provision entitling a criminal defendant to more than one attorney, statutory law permits the assignment of learned counsel in limited circumstances. *Id.*

The court finds that there is no adequate justification to appoint additional counsel. An was indicted on one count of conspiracy to participate in a racketeering enterprise in section of 18 U.S.C. § 1962(d). (ECF No. 13.) Defendant argues that the complexity of the case, the amount of discovery, and defense counsel's caseload warrants the appointment of additional counsel. Defendant's arguments do not provide a cognizable basis to appoint additional counsel under the Criminal Justice Act. See 18 U.S.C. § 3005. Given that defendant was not indicted for

1 a capital crime or treason, the court will deny defendant's motion for additional appointed  
2 counsel. Further, the clerk of court must serve defendant Coleman's motion (ECF No. 688) on  
3 the government.

4 IT IS THEREFORE ORDERED that defendant's ex parte motion (ECF No. 688) is  
5 DENIED.

6 IT IS FURTHER ORDERED that the clerk must serve defendant's motion (ECF No. 688)  
7 on the government.

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9 DATED: August 20, 2018

  
C.W. HOFFMAN, Jr.  
UNITED STATES MAGISTRATE JUDGE

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